



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2417**

Introduced 2/3/2004, by James T. Meeks

**SYNOPSIS AS INTRODUCED:**

New Act  
720 ILCS 675/1

from Ch. 23, par. 2357

Creates the Display of Tobacco Products Act. Provides that it is unlawful to sell, offer for sale, give away, or display tobacco products for sale at any location where the consumer can acquire those products through self-service. Provides that every tobacco product must be displayed from behind a sales or service counter so that a consumer cannot access tobacco products without assistance by an employee of the retail establishment authorized to sell tobacco products. Exempts the sale of tobacco products from vending machines if the vending machines are located in places authorized under the Sale of Tobacco to Minors Act. Provides that a violation is a petty offense for which the court shall impose a fine of not less than \$100 nor more than \$1,000. Exempts retail tobacco stores from the self-service restriction on tobacco product displays provided that the retail tobacco store (i) derives at least 90% of its revenue from tobacco and tobacco related products; (ii) does not permit persons under the age of 18 to enter the premises; and (iii) posts a sign on the main entrance way stating that persons under the age of 18 are prohibited from entering. Amends the Sale of Tobacco to Minors Act. Prohibits a minor under 18 years of age from selling tobacco products at a retail establishment authorized to sell tobacco products. Prohibits a minor under 18 years of age from being employed to sell tobacco products at such an establishment. Exempts a sales clerk in a family-owned business which can prove that the clerk is in fact a son or daughter of the owner. Effective January 1, 2005.

LRB093 20356 RLC 46124 b

1 AN ACT in relation to tobacco products.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Display of Tobacco Products Act.

6 Section 5. Definitions. In this Act:

7 "Tobacco product" means a cigar, cigarette, smokeless  
8 tobacco, or tobacco in any of its forms.

9 "Smokeless tobacco" means any tobacco product that is  
10 suitable for dipping or chewing.

11 Section 10. Tobacco product displays. It is unlawful to  
12 sell, offer for sale, give away, or display tobacco products  
13 for sale at any location where the consumer can acquire those  
14 products through self-service. Every tobacco product must be  
15 displayed from behind a sales or service counter so that a  
16 consumer cannot access tobacco products without assistance by  
17 an employee of the retail establishment authorized to sell  
18 tobacco products.

19 The self-service restrictions described in this Section  
20 shall not apply to a retail tobacco store that (i) derives at  
21 least 90% of its revenue from tobacco and tobacco related  
22 products; (ii) does not permit persons under the age of 18 to  
23 enter the premises; and (iii) posts a sign on the main entrance  
24 way stating that persons under the age of 18 are prohibited  
25 from entering.

26 Section 15. Vending machines. This Act does not prohibit  
27 the sale of tobacco products from vending machines if the  
28 location of the vending machines are in compliance with the  
29 provisions of Section 1 of the Sale of Tobacco to Minors Act.

1 Section 20. Sentence. A violation of this Act is a petty  
2 offense for which the court shall impose a fine of not less  
3 than \$100 nor more than \$1,000.

4 Section 105. The Sale of Tobacco to Minors Act is amended  
5 by changing Section 1 as follows:

6 (720 ILCS 675/1) (from Ch. 23, par. 2357)

7 Sec. 1. Prohibition on sale of tobacco to minors; vending  
8 machines; lunch wagons.

9 (a) No minor under 18 years of age shall buy any cigar,  
10 cigarette, smokeless tobacco or tobacco in any of its forms. No  
11 person shall sell, buy for, distribute samples of or furnish  
12 any cigar, cigarette, smokeless tobacco or tobacco in any of  
13 its forms, to any minor under 18 years of age. No minor under  
14 18 years of age may be employed or permitted to sell any cigar,  
15 cigarette, smokeless tobacco, or tobacco in any of its forms at  
16 a retail establishment authorized to sell tobacco products. No  
17 minor under 18 years of age may sell any cigar, cigarette,  
18 smokeless tobacco, or tobacco in any of its forms at a retail  
19 establishment authorized to sell tobacco products. This  
20 Section does not apply to a sales clerk in a family-owned  
21 business which can prove that the sales clerk is in fact a son  
22 or daughter of the owner.

23 For the purpose of this Section, "smokeless tobacco" means  
24 any tobacco products that are suitable for dipping or chewing.

25 (b) Tobacco products listed above may be sold through a  
26 vending machine only in the following locations:

27 (1) Factories, businesses, offices, private clubs, and  
28 other places not open to the general public.

29 (2) Places to which minors under 18 years of age are  
30 not permitted access.

31 (3) Places where alcoholic beverages are sold and  
32 consumed on the premises.

33 (4) Places where the vending machine is under the  
34 direct supervision of the owner of the establishment or an

1 employee over 18 years of age. The sale of tobacco products  
2 from a vending machine under direct supervision of the  
3 owner or an employee of the establishment is considered a  
4 sale of tobacco products by that person. As used in this  
5 subdivision, "direct supervision" means that the owner or  
6 employee has an unimpeded line of sight to the vending  
7 machine.

8 (5) Places where the vending machine can only be  
9 operated by the owner or an employee over age 18 either  
10 directly or through a remote control device if the device  
11 is inaccessible to all customers.

12 (c) The sale or distribution at no charge of cigarettes  
13 from a lunch wagon engaging in any sales activity within 1,000  
14 feet of any public or private elementary or secondary school  
15 grounds is prohibited.

16 For the purpose of this Section, "lunch wagon" means a  
17 mobile vehicle designed and constructed to transport food and  
18 from which food is sold to the general public.

19 (Source: P.A. 93-284, eff. 1-1-04.)

20 Section 999. Effective date. This Act takes effect January  
21 1, 2005.